

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**UNITED SECURITY & POLICE
OFFICERS OF AMERICA**

and

Case 05-CB-172609

AYODELE B. AWOWALE

DECISION AND ORDER

Statement of the Case

On October 20, 2016, United Security & Police Officers of America (the Respondent), Ayodele B. Awowale (the Charging Party), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Employer's business

a. North American Security, Inc. (the Employer) is a corporation with an office and a place of business in Silver Spring, Maryland. It provides contract security services to industry and governmental agencies, including at the National Oceanic and Atmospheric Administration (NOAA) in Silver Spring, Maryland (the Silver Spring location).

b. In conducting its operations during the 12-month period ending May 31, 2016, the Employer performed services valued in excess of \$50,000 in states other than the State of Maryland.

c. The Employer is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

3. The bargaining unit

(a) At all material times since October 2013, the Respondent has been the exclusive collective-bargaining representative of the following employees of the Employer (the unit) pursuant to Section 9(a) of the Act:

All full-time and part-time security officers employed by Employer at the National Oceanic and Atmospheric Administration in College Park and Silver Spring, Maryland but excluding all other employees, including professional employees, office-clerical employees, and supervisors as defined in the Act.

(b) Since at least October 2013, and at all material times, the Employer has recognized the Respondent as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from March 1, 2014 to March 1, 2017.

(c) At all material times since at least October 2013, based on Section 9(a) of the Act, the Respondent has been the exclusive collective-bargaining representative of the unit.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that the Respondent, United Security & Police Officers of America, Washington, D.C., and Oxon Hill, Maryland, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Failing and refusing to provide nonmember objectors with expenditure information of the Respondent that has been sufficiently verified by an independent auditor.

(b) In any like or related manner restraining or coercing employees of North American Security, Inc. in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act.

2. Take the following affirmative action.

(a) For the accounting period for calendar year 2014, provide Ayodele Awowale and other similarly-situated nonmember objectors with information concerning expenditures by the Respondent that has been sufficiently verified by an independent auditor. If Ayodele Awowale and other similarly-situated nonmember objectors, with reasonable promptness after receiving this information, challenge the dues reduction calculation for any such accounting period, process such challenge as it would otherwise have done in accordance with the principles of *California Saw & Knife*, 320 NLRB 224 (1995).

(b) Within 14 days of service by the Region, the Respondent will post at its office at 5620 St. Barnabas Road, Suite 314, Oxon Hill, Maryland, copies of that attached notice marked Appendix A. Copies of the notice, on forms provided by the Regional Director for Region Five, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees and members are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, by posting on the Respondent's internet site home page at www.nuspoa.org. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. Further, if the Respondent maintains bulletin boards at the facility of the Employer where the alleged unfair labor practices occurred, the Respondent shall also post Notices on each such bulletin board during the posting period. The Regional Director will send copies of the signed Notices to the Employer whose employees are involved in this case, and request that the Notices be posted in prominent places in the Employer's facility for 60 consecutive days from the date of posting.

(c) Within 21 days after service of this order by the Region, file with the Regional Director for Region 5 a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., December 22, 2016

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES AND MEMBERS
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose a representative to bargain on your behalf with your employer
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT fail or refuse to provide to nonmember objectors our expenditure information that has been verified by an independent auditor.

WE WILL provide Ayodele Awowale with information concerning our 2014 expenditures that has been verified by an independent auditor.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

UNITED SECURITY & POLICE OFFICERS OF AMERICA

The Board's decision can be found at www.nlr.gov/case/05-CB-172609 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

